

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

JERRY L. RECTOR,

Plaintiff,

v.

DR. RUANNE STAMPS, et al.,

Defendants.

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No. 2:18-CV-0001 JAR

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to dismiss this case and to excuse plaintiff from paying the statutory filing fee. Plaintiff's request for voluntary dismissal will be granted, however, his request for waiver of the filing fee must be denied under the Prison Litigation Reform Act. *See* 28 U.S.C. § 1915.

Plaintiff, a prisoner, filed his complaint in this case along with a motion to proceed in forma pauperis on January 4, 2018. The Court reviewed plaintiff's complaint pursuant to the Prisoner Litigation Reform Act ("PLRA") and found that several claims in the complaint relating to plaintiff's assertions of deliberate indifference to his serious medical needs survived review under 28 U.S.C. § 1915. Consequently, the Court granted the motion to proceed in forma pauperis and ordered the Clerk to issue process or cause process to issue on portions of the complaint on March 23, 2018.

Plaintiff now moves to dismiss this case and to be excused from paying the filing fee. He asserts that he had been pursuing the action to "help future inmates at MCC facility who had medical problems." However, plaintiff claims that he would now like to voluntarily dismiss this action because "defendants are doing what is possible to correct the problem." Nonetheless,

plaintiff states that he would like to request that the Court "not take any more money out of [his] account to pay for the filing fee."

Under the PLRA, "if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner *shall be required to pay the full amount of a filing fee.*" 28 U.S.C. § 1915(b)(1) (emphasis added). "[N]othing allows the court to stop the collection of the filing fee once [it] authorize[s] a prisoner to proceed in forma pauperis [under 28 U.S.C. § 1915]. *Copley v. Henderson*, 980 F.Supp. 322, 323 (D. Neb. 1997). "Thus, prisoners should understand that from the moment we allow them to proceed in forma pauperis, they owe the United States of America the full filing fee, and this is true even if they voluntarily dismiss their cases." *Id.*

Because the Court has granted plaintiff's application to proceed in forma pauperis in this case, the PLRA requires that plaintiff pay the required filing fee. As a result, plaintiff's request for voluntary dismissal of this action will be granted, however, he will still be required to pay the full filing fee in this action.

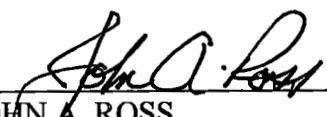
Accordingly,

IT IS HEREBY ORDERED that plaintiff's request to voluntarily dismiss this action is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's request for waiver of the filing fee in this action is **DENIED**.

IT IS FURTHER ORDERED that this action is **DISMISSED**.

Dated this 19th day of September, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE